

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Irrigation & CAD Department – Allegations of corruption against Sri A.Veera Malleswara Rao, Executive Engineer (Retd.), formerly at Office of the Superintending Engineer, Irrigation Circle, Warangal - Trapped on 24-08-1995 – Convicted by the Judgement dated 25-08-2000 of Principal Special Judge for SPE & ACB Cases, Hyderabad in C.C.No.19/1997 – Acquittal by the Judgement dated 08-12-2005 in Criminal Appeal No.1327/2000 of Hon'ble High Court of A.P., Hyderabad - Further action dropped - Regularization of suspension period from 25-08-1995 to 08-05-1997 as on duty and the balance period from 09-05-1997 to 31-05-1997 sanctioned as leave as per his leave eligibility – Release of pensionary benefits – Orders – Issued.

IRRIGATION & C.A.D. (IW:SERVICES-VI(1) DEPARTMENT

G.O.Rt.No. 629 .

Dated: 04-06-2010.
Read the following:-

1. From the Engineer-in-Chief (AW), Hyderabad, Proceedings No.Rc/ENC/50651/95-1, dated 25-08-1995.
2. G.O.Rt.No.462, Irrigation & CAD (Ser.VI(1) Department, dated 08-05-1997.
3. G.O.Rt.No.463, Irrigation & CAD (Ser.VI(1) Department, dated 08-05-1997.
4. Judgement from the Hon'ble Court of Principal Special Judge for SPE & ACB Cases, Hyderabad dated 25-08-2000 in C.C.No.19/1997
5. G.O.MsNo.183, Irrigation & CAD (Ser.VI(1) Department, dated 01-12-2000.
6. Judgement from the Hon'ble High Court of A.P., Hyderabad, dated 08-12-2005 in Criminal Appeal No.1327/2000.
7. G.O.Ms.No.53, Irrigation & CAD (Ser.VI(1) Department, dated 24-07-2006.
8. Representation from Sri A.Veera Malleswara Rao, Executive Engineer (Retd.) dated 28-01-2007.
9. Govt. Memo.No.5891/Ser.VI(1)/2007-3, dated 19-12-2007.
10. From the Hon'ble A.P.Administrative Tribunal, Hyderabad, Orders dated 11-02-2010 in O.A.No.4385 of 2009 with VMA No.1655/2009 and O.A.No.1776/2008 with VMA No.1656/2009.

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ORDER:

In the reference 1st read above, orders were issued by the Engineer-in-Chief (AW), Hyderabad, keeping Sri A.Veera Malleswara Rao, Dy.Superintending Engineer, Office of the Superintending Engineer, Irrigation Circle, Warangal under suspension, as he was caught red handed by the Anti-Corruption Bureau authorities when he demanded and accepted the bribe amount from the complainant Sri G.Srinivas, Attender.

2. In the reference 2nd read above, Government have observed that the appointing authority for the post of Executive Engineer is Government and as per C.C.A.Rules, an authority lower than the appointing authority is not competent to keep an officer under suspension. Accordingly, Government have decided to cancel the proceedings of the Engineer-in-Chief (AW), Hyderabad keeping Sri A.Veera Malleswara Rao under suspension and orders were issued cancelling the proceedings of the Engineer-in-Chief (AW), Hyderabad issued in the reference 1st read above, with immediate effect.

(P.T.O.)

3. In the reference 3rd read above, orders were issued placing Sri A.Veera Malleswara Rao, Dy.Superintending Engineer under suspension with immediate effect under Rule 8 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991, pending finalization of the prosecution case by the competent court.

4. In the reference 4th read above, the Principal Special Judge for SPE & ACB Cases, Hyderabad in its Judgement dated 25-08-2000 in C.C.No.19 of 1997 was concluded that the accused officer was found guilty of the offences punishable under sections 7 and 13(1)(2) read with section 13(2) of the Prevention of Corruption Act, 1988 and he was convicted under section 248(2) of Cr.P.C.

5. In the reference 5th read above, orders were issued imposing the punishment of 100% cut in pension and withholding of entire DCRG on Sri A.Veera Malleswara Rao, Dy.Superintending Engineer (Retd.) permanently on the conviction ordered by the Trial Court in C.C.No.19/1997 dated 25-08-2000 with immediate effect.

6. In the reference 6th read above, the Hon'ble High Court of A.P., Hyderabad in its Judgement dated 08-12-2005 in Criminal Appeal No.1327/2000 has passed orders stating, "Therefore on the basis of the above, it cannot be held that there is a demand and acceptance of bribe amount from the appellant. Therefore, the appellant is entitled for acquittal from the charges leveled against the accused. For the foregoing reasons, the criminal appeal deserves to be allowed and is accordingly allowed setting aside the judgement dated 25-08-2000 passed in C.C.No.19/1997 by the Prl. Special Judge for SPE & ACB Cases-cum-VI Additional Chief Judge, City Civil Court, Hyderabad and the appellant is acquitted of all the charges".

7. In the reference 7th read above, Government have dropped further action by cancelling the earlier orders in G.O.Ms.No.183, Irrigation & CAD (Ser.VI(1) Department, dated 01-12-2000 in view of the Judgement of the Hon'ble High Court of A.P., dated 08-12-2005, in Criminal Appeal No.1327/2000, and released the pensionary benefits which due to him by regularizing his suspension period from 25-08-1995 to 31-05-1997 i.e., the date of retirement, as per the provisions contained in para 2 of G.O.Ms.No.214, Finance (FW-FR.II) Department, dated 22-12-1997.

8. In the reference 8th read above, Sri A.Veera Malleswara Rao, Executive Engineer (Retd.) in his representation has requested to regularize the suspension period as on duty.

9. In the reference 9th read above, Sri A.Veera Malleswara Rao, Executive Engineer (Retd.) was directed to submit his willingness for regularization of his suspension period from 25-08-1995 to 31-05-1997 as leave to which he is eligible.

10. Sri A.Veera Malleswara Rao, Executive Engineer (Retd.) without furnishing his willingness has approached the Hon'ble A.P.Administrative Tribunal, Hyderabad and filed O.A.Nos.1776/2008 and O.A.No.4385/2009 with a prayer to regularize his suspension period from 25-08-1995 to 31-05-1997 as on duty and also release all his pensionary benefits. In the reference 10th read above, the Hon'ble A.P.Administrative Tribunal, Hyderabad in its Orders dated 11-02-2010 in O.A.No.4385 of 2009 with VMA

No.1655/2009 and O.A.No.1776/2008 with VMA No.1656/2009, passed orders and directed the respondents to treat the period from 24-08-1995 to 31-05-1997 as on duty, and also release consequential benefits towards salary and retiral benefits etc.,.

11. Government after careful examination of the entire issue, has observed that Sri A.Veera Malleswara Rao, Deputy Superintending Engineer was suspended on 25-08-1995. But the suspension orders issued by the Engineer-in-Chief were cancelled vide G.O.Ms.No.462, Irrigation & CAD (Ser.VI(1) Department, dated 08-05-1997, and Government issued fresh orders of suspension vide G.O.Ms.No.463, Irrigation & CAD (Ser.VI(1) Department, dated 08-05-1997 with immediate effect i.e., from 08-05-1997, and that the accused officer retired on 31-05-1997. Therefore, it has been decided that the suspension period in respect of Sri A.Veera Malleswara Rao, Executive Engineer (Retd.) with effect from 25-08-1995 to 08-05-1997 be treated as on duty as the orders were cancelled by the Government based on technical grounds, and that the balance period be sanctioned as per leave eligibility, and the pensionary benefits of the accused officer be released accordingly.

12. Therefore, Government hereby order that the suspension period from 25-08-1995 to 08-05-1997 in respect of Sri A.Veera Malleswara Rao, Executive Engineer (Retd.), formerly at Office of the Superintending Engineer, Irrigation Circle, Warangal, be treated as on duty, as the orders issued were cancelled by Government based on technical grounds, and that the balance period i.e., from 09-05-1997 to his date of retirement i.e. 31-05-1997 be sanctioned as leave, as per his leave eligibility, and that his pensionary benefits be released accordingly.

13. The Engineer-in-Chief (AW), Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.Veera Malleswara Rao, Executive Engineer (Retd.) through the
Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad.
The Engineer-in-Chief (AW), Irrigation & CAD Dept., Hyderabad.

Copy to:

The Govt. Pleader for Irrigation & CAD, APAT., Hyderabad.
The Govt. Pleader for Services-II, High Court of A.P., Hyderabad.
The Accountant General (A&E), A.P., Hyderabad.
The Director General, Anti-Corruption Bureau, Hyderabad.
The Secretary to Vigilance Commissioner,
A.P.Vigilance Commission, Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER